

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

UNITED STATES OF AMERICA

v.

DELROY ANTHONY MCLEAN

Case No.: 4:16-CR-00019-CDL

MOTION TO DETERMINE MENTAL COMPETENCY TO STAND TRIAL

COMES NOW, Michelle G. Sandler, appointed counsel for Mr. Delroy Anthony McLean, Defendant, and pursuant to 18 U.S.C. §§ 4241 and 4247(b) and (c), requests this Court issue an Order directing a psychiatric and/or psychological evaluation be performed upon Mr. McLean, and hold a hearing to determine whether Mr. McLean is currently mentally competent to aid counsel in the defense of his criminal case and whether he understands the nature and consequences of the proceedings against him. In support, it is stated:

1.

On July 27, 2016, the Federal Defenders of the Middle District of Georgia, Inc. was appointed to represent Mr. McLean. (Doc. 5).

2.

On September 26, 2016 the Federal Defender's Office served, in person, a subpoena for medical and mental health records to Public Health Services (PHS) at Stewart Detention Facility in Lumpkin, GA. Those records were provided to counsel this morning at approximately 11:00am.

3.

Counsel for Mr. McLean have reasonable cause to believe based on attorney visits with Mr. McLean and after reviewing medical/mental health records received by counsel on October 03, 2016, that Mr. McLean is presently suffering from a mental disease or defect that is

rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

4.

Undersigned counsel respectfully requests that this Court order Mr. McLean undergo a formal psychiatric/psychological examination by a qualified psychiatrist or psychologist consistent with the procedures set forth in 18 U.S.C. §§ 4241(b), 4247(b) and (c). Once the examination is complete, a psychiatrist or psychological report “shall be filed with the court with copies provided to the counsel for the person examined and to the attorney for the government.” 18 U.S.C. § 4247(c). Counsel also requests, that after the report is completed and filed with the Court, that the Court conduct a hearing on the issue of competency pursuant to 18 U.S.C. § 4241(c) and 18 U.S.C. § 4247(b).

Dated this 3rd day of October, 2016.

Respectfully submitted,

S/ Michelle G. Sandler

MICHELLE G. SANDLER

Fla. Bar No. 111748

Attorney for Defendant

Federal Defenders of the

Middle District of Georgia, Inc.

233 12th Street, Suite 400

Columbus, GA 31901

Tel: (706) 358-0030

Fax: (706) 358-0029

michelle_sandler@fd.org

CERTIFICATE OF SERVICE

I, Michelle G. Sandler, hereby certify that on October 03, 2016, I electronically filed the foregoing document with the clerk of Court using the CM/ECF system which will send notification of such to all counsel of record.

S/ Michelle G. Sandler
MICHELLE G. SANDLER
Fla. Bar No. 111748
Attorney for Defendant
Federal Defenders of the
Middle District of Georgia, Inc.
233 12th Street, Suite 400
Columbus, GA 31901
Tel: (706) 358-0030
Fax: (706) 358-0029
michelle_sandler@fd.org